



**AN BILLE UM SHEIRBHÍSÍ SLÁNDÁLA
PRÍOBHÁIDEACHA, 1999
PRIVATE SECURITY SERVICES BILL, 1999**

*Mar a tionscnaíodh
As initiated*

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[No. 40 of 1999]

Section

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FIRST SCHEDULE

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Acts Referred to

Civil Service Commissioners Act, 1956	1956, No. 45
Civil Service Regulations Acts, 1956 and 1958	
European Assembly Elections Act, 1977	1977, No. 30
Licensing Acts, 1833 to 1995	
Public Dance Halls Act, 1935	1935, No. 2



AN BILLE UM SHEIRBHÍSI SLÁNDÁLA
PRÍOBHÁIDEACHA, 1999
PRIVATE SECURITY SERVICES BILL, 1999

BILL

5 *entitled*

AN ACT TO MAKE PROVISION FOR THE REGISTRATION,
CONTROL AND SUPERVISION OF PERSONS ENGAGED
IN THE PRIVATE SECURITY INDUSTRY, FOR THE
ESTABLISHMENT OF AN AUTHORITY TO BE KNOWN
10 AS THE IRISH SECURITY AUTHORITY, AND TO MAKE
PROVISION FOR CONNECTED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act, save where the context otherwise requires— Definitions.

15 “the Appeal Board” means the Irish Security Authority Appeal
Board established by this Act;

“armoured car and courier services” means the provision for reward
of transportation services of any kind for currency, negotiable instru-
ments, coins, bullion, securities, bonds, jewellery;

20 “the Authority” means the Irish Security Authority established by
section 3 of this Act;

“Chief Inspector” means a person holding office as the chief
inspector under section 4;

25 “door supervisor” means any person acting (whether under a con-
tract of service or otherwise) on or in the vicinity of any premises,
other than a dwellinghouse, at which any trade or business is carried
on with authority from the licensee, owner or occupier to control the
admission of persons as customers or to maintain order on or about
those premises whether by the exclusion or removal of persons from
those premises or otherwise howsoever;

30 “establishment day” means the day appointed under section 2 of this
Act to be the establishment day for the purpose of this Act;

“firm” includes any association of natural persons, business, com-
pany, corporation, partnership, society or any self employed person;

35 “guard and patrol services” means the provision for reward of any
person or persons who purport to perform the following functions or
any of them—

- (a) prevention or detection of intrusion, unauthorised entry or activity, vandalism, or trespass on private property,
- (b) prevention or detection of fraud or theft, loss, misappropriation or concealment of merchandise, money, bonds, stocks, notes or other valuable documents or papers, 5
- (c) control, regulation or direction of the movements of the public, whether by vehicle or otherwise, in relation to any premises other than a dwellinghouse, or
- (d) protection of individuals from bodily harm;

“licensed premises” means any place for which a license granted under the Public Dance Halls Act, 1935, or the Licensing Acts 1833 to 1995 is in operation; 10

“licensed provider of private security services” means a person whose name has been entered on the Register established pursuant to *Section 4* of this Act; 15

“the Minister” means the Minister for Justice, Equality and Law Reform;

“private security agent” means any individual employed to provide private security services and includes an individual who performs such services exclusively for an employer who is not a private security firm; 20

“private security firm” means any firm engaged in the provision of private security services;

“private security services” means any of the following services—

- (a) guard and patrol services, 25
- (b) security consultant services,
- (c) armoured car and courier services,
- (d) guard or door supervisor security services for or in connection with any place to which the public have resort whether as invitees or otherwise howsoever; 30
- (e) keyholding and alarm response services,
- (f) the provision for reward of such locks, safes, alarms or servicing or parts therefor and the provision for reward of servicing of such other security equipment as the Authority may from time to time by regulation designate; 35

“security consultant services” means the provision for reward of advice relating to the security of property, premises, personnel, plant and equipment;

Commencement.

2.—The Minister shall by order appoint a day—

- (a) to be the establishment day for the purposes of this Act, 40
- (b) to be the day upon which this Act comes into operation.

3.—(1) There shall, by virtue of this section, be established on the establishment day an authority, to be known as the Irish Security Authority and in this Act referred to as the Authority to perform the functions assigned to it by this Act.

Establishment of
Irish Security
Authority.

5 (2) The provisions of the *First Schedule* to this Act shall have effect in relation to the Authority.

10 4.—(1) The Authority shall establish and maintain a register to be known as the Irish Security Authority Register (hereinafter referred to as “the Register”) drawn up in a manner and form to be determined by the Authority.

Establishment and
maintenance of the
Irish Security
Authority Register
and appointment of
Chief Inspector.

15 (2) The Authority may by regulation provide that the Register be divided into categories of licensed providers of private security services and that the registration granted to any person pursuant to section 5 of this Act be limited to any one or more of such categories and shall not operate to licence such person to provide private security services in any category of private security services other than the category or categories in which registration has been granted.

20 (3) The Authority shall cause the Register to be printed and published within one month of establishment of the Register and annually thereafter.

25 (4) The Authority shall appoint the Chief Inspector who shall be the chief executive of the Authority and whose duty, in addition to such other duties as the Authority may prescribe, shall be to maintain the register in the manner prescribed by the Authority and in accordance with provisions of this Act and such suitably qualified officers as it deems necessary to carry out inspections and related functions in connection with the provisions of this Act.

30 (5) The Chief Inspector shall as soon as may be after its publication cause to be furnished to every Garda Station a copy of the current Register to be available for inspection at such station by any member of the public during normal business hours.

5.—(1) A natural person who satisfies the Authority that he or she—

Criteria for
registration as a
licensed provider of
private security
services.

35 (a) is of good character and reputation; and

(b) is resident in the State; and

(c) has completed such training and obtained such qualifications for registration as the Authority shall from time to time by regulations made hereunder specify,

40 is, subject to this Act and upon payment of the prescribed fee, entitled to be registered under this Act and the Chief Inspector shall cause the name of that person to be entered in the Register accordingly;

45 (2) Every application under this Act for registration except an application for registration where no such registration is in existence at the time of such application and an application which is authorised by this Act to be made at any time shall be made at the date specified by the Authority pursuant to section 9.

Registration
procedures.

6.—(1) An application for registration under this Act shall be made in writing and in such manner and form as the Authority may from time to time determine.

(2) An applicant shall provide the Authority with any further information that the Authority may require and the Authority may suspend consideration of the application pending the provision of such information provided however that if such application is for renewal of registration, an existing registration shall not expire, notwithstanding the provisions of *section 10(1)* of this Act, for a period of 45 days from the date, or the last date as the case may be, upon which such further information was sought.

(3) An applicant shall upon request by the Authority furnish his or her written consent, insofar as the same may be required, to the provision by the Garda Síochána, any Health Board or any registered medical practitioner, of information in their possession regarding the character or health of the applicant and, if the applicant fails or refuses within 30 days to furnish such consent, the Authority may refuse the application.

(4) The Authority may require the applicant to attend personally before the Chief Inspector and, if the Applicant fails to attend, the Authority may refuse the application.

Conditions
attaching to
registration.

7.—(1) The Authority in granting registration may impose such conditions and restrictions as it shall consider appropriate having regard to the information in its possession regarding the applicant and, in particular his or her character, reputation, training and qualifications.

(2) The Authority shall not take any decision under subsection (1) of this section that would be adverse to an applicant without giving to the applicant a reasonable opportunity to be heard.

Certificate of
registration.

8.—The Authority on registration shall issue to the registered applicant a certificate of registration in such form as the Authority may by regulations made hereunder specify.

Restriction of
provision of private
security services to
registered persons.

9.—(1) No firm shall offer to provide or provide for reward private security services unless each of the natural persons directing or controlling such firm is registered in the manner prescribed by this Act and for this purpose a person shall be deemed to direct or control a firm if, in the case of a company registered under the Companies Acts, he or she is a director within the meaning of the Companies Acts, or the beneficial owner of 10 per cent or more of the issued share capital for the time being of the company and in any other case if he or she is entitled to any part of the profits of the firm.

(2) No natural person shall offer to provide or provide for reward or be employed in the provision of private security services unless he or she is for the time being registered in the manner prescribed by this Act.

(3) No natural person shall act or be employed as a door supervisor in or about a licensed premises unless he or she is for the time being registered in the manner prescribed by this Act.

- (4) No licensee or occupier of licensed premises shall employ or engage in or about such licensed premises any person as a door supervisor who is not registered under this Act.
- (5) Any contravention of this section shall be an offence and shall render the offender liable, on summary conviction, to a fine not exceeding £5,000 or imprisonment for a term not exceeding six months or both such fine and imprisonment.
- 10.**—(1) The Authority may by regulations made under this Act specify the period, not being less than one year, for which registration under this Act shall be granted and the date in each such period by which application for renewal must be made and every registration shall expire and cease to have effect at the end of such specified period unless it shall previously have been surrendered or revoked.
- (2) Save as is otherwise provided *subsection (1)* of this section, every certificate of registration granted under this Act shall come into force immediately upon the grant thereof and, unless sooner revoked or surrendered under this Act, shall continue in force until the conclusion of the period specified by the Authority pursuant to *subsection (1)*.
- 11.**—The holder of a certificate of registration may at any time surrender such certificate of registration by notice in writing sent or delivered, together with such certificate of registration to the Chief Inspector.
- 12.**—A certificate of registration shall not be transferable from the holder thereunder to another person.
- 13.**—(1) There shall, by virtue of this section be established a board, to be known as the Irish Security Appeal Board and in this Act referred to as the Appeal Board to hear and decide appeals under *section 14* of this Act.
- (2) The provisions of the *Second Schedule* to this Act shall have effect in relation to the Appeal Board.
- (3) This section and *section 14* of this Act shall come into operation on such days as the Minister may by order appoint.
- 14.**—In addition and without prejudice to any right of appeal for the time being existing under any other Act, an appeal shall lie to the Appeal Board—
- (a) by an applicant for registration on the Register from any decision of the Authority refusing to grant such application, or
- (b) by an applicant for registration on the Register from so much of a decision of the Authority granting such application as imposes conditions or restrictions, including any condition or restriction limiting the categories of private security services for the applicant has been granted registration, or

Expiration and renewal of registration.

Surrender of certificate of registration to Chief Inspector.

Non-transferability of certificate of registration.

Establishment of Security Appeal Board.

Appeal procedure against refusal of registration and imposition of conditions or restriction of registration.

(c) a decision of the Authority under *section 16* of this Act.

Regulations.

15.—The Authority may make regulations for the purposes of this Act which may include provision for—

- (a) the production of documents or other material, including a photograph of the individual by whom the certificate of registration will be produced, 5
- (b) the keeping by persons who engage in private security services of such records as may be specified in the regulations,
- (c) the keeping by registered persons of such records as may be specified in the regulations, and 10
- (d) the granting of temporary registration to any applicant.

Cancellation of registration.

16.—(1) Where the Authority is satisfied that—

- (a) a certificate of registration was issued on the basis of false or misleading information, or 15
- (b) a certificate of registration would not have issued if information, obtained subsequent to its issue, had been available at the date of its issue, or
- (c) a person to whom a certificate of registration was issued has permitted it to be misused, or 20
- (d) a person to whom a certificate of registration was issued failed to comply with any of the obligations imposed on him or her by this Act, or
- (e) the holder of a certificate of registration is convicted of an offence involving dishonesty or violent behaviour towards any person, 25

it may, at any time, cancel the registration and give notice in writing to the certificate holder requiring the return to the Chief Inspector forthwith of the certificate of registration and cancellation of the registration shall take effect forthwith upon the giving of such notice. 30

(2) The Authority shall not take any decision under *subsection (1)* of this section that would be adverse to a person without giving to such person a reasonable opportunity to be heard and may suspend the operation of a registration pending consideration of such representations as may be made to the Authority by such person. 35

Offences.

17.—(a) Where any person wilfully—

- (i) for the purpose of obtaining a certificate of registration makes any false statement or furnishes any document which is false in any material particular,
- (ii) fails to return a certificate of registration to the Chief Inspector when required to do so pursuant to *section 16(1)*, 40

(iii) is in possession of a certificate of registration that was not duly issued to him or her by the Authority pursuant to the provisions of this Act, or

(iv) produces to any employer or customer a certificate of registration after he or she has been advised by the Chief Inspector of the issue of a notice under *section 16(1)*,

he or she shall be guilty of an offence and shall be liable, on summary conviction, to a fine of £10,000 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both a fine and imprisonment.

(b) Any person who wilfully aids, abets, counsels or procures—

(i) the obtaining of a certificate of registration by means of a false or materially misleading statement,

(ii) the use by any person, other than the person to whom it was duly issued by the Authority or a certificate of registration,

he or she shall be guilty of an offence and shall be liable, on summary conviction, to a fine of £10,000 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

(c) Any person who wilfully—

(i) keeps records which are incorrect in any material particular, or

(ii) fails to comply with any provision of regulations made under this section requiring such person to keep or produce any records or documents,

shall be guilty of an offence and shall be liable, on summary conviction, to a fine of £10,000 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

18.—(1) No person registered under this Act shall display or have in his or her possession any badge, card or purported authority which gives the impression that it is a form of private security services registration except the prescribed certificate of registration issued under this Act.

Display and production of evidence of registration.

(2) Every private security agent and door supervisor while acting as such shall carry on his or her person the prescribed certificate of registration issued to him or her under this Act and shall produce it for inspection at the request of any Inspector or a member of the Garda Síochána.

19.—No private security agent or door supervisor shall wear any uniform or display any badge, insignia, device, shield or pattern, or utilise any vehicle or equipment which displays the word “Garda”, “police” or which gives the impression that that person is a member of a statutory police force.

Personation of Gardai.

Complaints
procedure.

20.—The Authority shall give due and adequate consideration to any complaint, which is not of a frivolous or vexatious nature, made by a member of the public in respect of the conduct of a registered private security agent or door supervisor and shall whilst such private security agent or door supervisor’s registration is in force, keep due and proper records of all such complaints and of any reply thereto or any action taken on foot thereof. 5

Powers of entry,
inspection and
arrest by Gardai
and of entry and
inspection by
Inspector.

21.—(1) Any Inspector or member of the Garda Síochána may enter any place where private security services are being provided and enter any licensed premises during business hours and there make any inspection, examination, and inquiry as he or she shall think proper. 10

(2) Where any inspector enters any premises or place, he or she may be accompanied by a member or members of the Garda Síochána and any such member may arrest without warrant any person who obstruct or interferes with the Inspector in the performance of his or her powers or duties under this Act. 15

Exceptions.

22.—This Act shall not apply to those persons who may carry out investigations as an occasional duty, incidental to their primary employment, including— 20

- (a) employees of insurance companies,
- (b) employees of hire purchase companies,
- (c) solicitors clerks,
- (d) journalists engaged in investigation in the course of their employment as journalists, 25
- (e) barristers and solicitors in the regular practice of their profession,
- (f) janitorial staff,
- (g) car park attendants,
- (h) persons employed solely in administrative duties who do not supervise registered security agents; or 30
- (i) key cutters,

and such other persons or classes of persons as the Authority may from time to time specify, by publication in *Iris Oifigiúil*, of a notice announcing either that such persons or classes of persons do not need a licence or do not need a licence so long as certain circumstances apply or any condition specified in the notice is complied with. 35

Non-disclosure of
confidential
information by
members of
Authority or
Appeal Board.

23.—(1) A person shall not disclose confidential information obtained by him or her while performing functions as a member of the Authority or the Appeal board, or as a member of the staff of the Authority, unless he or she is duly authorised to do so. 40

(2) In this section—

“Confidential” means that which is expressed to be confidential either as regards particular information or as regards information of a particular class or description;

5 “Duly authorised” means in the case of a member of the Appeal Board authorised by the Appeal Board and in any other case, authorised by the Authority.

(3) a person who contravenes *subsection (1)* of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000 or to imprisonment for a term not exceeding 12 months or both.

15 **24.—**(1) The Authority shall, not later than six months after the end of each year, make a report to the Minister of its activities during that year and may include in the report information and comment relation to any matters coming to its notice under this Act to which it considers that the Minister’s attention should be drawn.

Annual report by the Authority.

(2) The Authority shall, at the request of the Minister, report to the Minister on such general matters relating to its functions as the Minister may specify.

20 (3) The Authority shall keep under review the working of the system of registration, training and standards and shall make a report thereon to the Minister not later than three years after the establishment day, and at least once in every subsequent period of three years.

25 **25.—**(1) Where a member of the Authority or the Appeal Board is nominated as a member of Seanad Éireann or as a candidate for election to either House of the Oireachtas or to the Assembly of the European Communities or is regarded pursuant to section 15 of the European Assembly Elections Act, 1977, as having been elected to such Assembly to fill a vacancy he or she shall thereupon cease to be a member of the Authority or the Appeal Board.

Restriction on and disqualification from membership of Authority or Appeal Board.

35 (2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the Assembly of the European Communities shall while he or she is so entitled or is such a member be disqualified for becoming a member of the Authority or the Appeal Board.

26.—The Authority shall be entitled to impose such financial charges in respect of the grant or renewal of registration under this Act as the Minister may from time to time on the application of the Authority approve.

Fees.

40 **27.—**This Act may be referred to as the Private Security Services Act, 1999.

Citation.

FIRST SCHEDULE

The Irish Security Authority

45 1. (1) The Authority shall be a body corporate with perpetual succession and power to sue and be sued in its own name and, with the consent of the Minister, to acquire, hold and dispose of land or any interest in or rights over or in respect of land.

(2) The Authority shall be independent in the exercise of its functions.

2. (1) The Authority shall consist of a chairperson and not more than ten ordinary members.

(2) The members of the Authority shall be appointed from time to time as occasion requires by the Government and subject to the provisions of this Schedule, shall hold office upon such terms and conditions as the Government may determine. 5

(3) The term of office of a member of the Authority shall be five years and subject to the provisions of this schedule, a member of the Authority shall be eligible for re-appointment as such member. 10

(4) (a) At least two persons each of whom is a practising barrister or a practising solicitor, of not less than seven years standing shall be appointed to be ordinary members of the Authority and if such a member ceases during his or her term of office as such member to be a practising barrister or a practising solicitor, as the case may be, he or she shall thereupon cease to be a member of the Authority. 15

(b) At least five persons each of whom the Minister considers to be a representative from the Irish private security industry shall be appointed to be ordinary members of the Authority and if such a member ceases in the opinion of the Minister during his or her term of office as such member to represent the Irish private security industry, he or she shall thereupon cease to be a member of the Authority. 20 25

(c) (i) The Commissioner or such other officer of the Garda Síochána not below the rank of Assistant Commissioner as the Commissioner may nominate shall be appointed an ordinary member of the Authority. 30

(ii) If the member of the Authority who is the Commissioner or other officer of the Garda Síochána not below the rank of Assistant Commissioner nominated in that behalf by the Commissioner ceases during his or her term of office as such member to be the Commissioner or to hold a rank in the Garda Síochána not below that of Assistant Commissioner, as the case may be, he or she shall thereupon cease to be a member of the Authority. 35 40

(5) A member of the Authority may at any time resign his or her office as such member by letter addressed to the Secretary to the Government and the resignation shall take effect on and from the date of receipt of the letter.

(6) Where a casual vacancy occurs among the members of the Authority, the Government shall, as soon as may be, take such steps as are necessary to fill the vacancy and the person appointed to fill the vacancy shall hold office for the remainder of the term of office for which his or her predecessor was appointed. 45

(7) Members of the Authority (other than a member who is the holder of a judicial office) shall be paid such remuneration (if any), and members of the Authority shall be paid such allowances for 50

expenses, as the Minister, with consent of the Minister for Finance may from time to time determine.

5 (8) The Government may remove from office any member of the Authority who, in the opinion of the Government, has become incapable through ill-health of effectively performing his or her functions or has committed stated misbehaviour.

3. (1) The Government shall from time to time as occasion requires appoint a member of the Authority to be chairperson thereof.

10 (2) The chairman of the Authority shall be a practising barrister or a practising solicitor, of not less than ten years standing and if he or she ceases during his or her term of office as such chairperson to be a practising barrister or a practising solicitor, as the case may be, he or she shall thereupon cease to be such chairperson and to be a
15 member of the Authority.

(3) Where the chairperson of the Authority ceases during his or her term of office as such chairperson to be a member of the Authority, he or she shall thereupon also cease to be chairperson of the Authority.

20 4. (1) The Authority may appoint such and so many persons to be officers and servants of the Authority as may be approved of from time to time by the Minister with the consent of the Minister for Finance.

25 (2) (a) There shall be a chief inspector of the Authority (who is referred to in this Act as the "Chief Inspector").

(b) The Chief Inspector shall be appointed on the joint recommendation of the Civil Service Commission and the Authority.

30 (c) The Chief Inspector shall perform the functions conferred on him by this Act and such other functions (if any) as may assigned to him or her by the Authority.

(d) Specified functions of the Chief Inspector under this Act may, with the consent of the Authority, be performed by such officer of the Authority as may be authorised in that
35 behalf by the Chief Inspector.

(e) The functions of the Chief Inspector under this Act may be performed during his or her temporary absence by such officer of the Authority as may be designated for that purpose by the Authority.

40 (3) (a) Officers and servants of the Authority shall be civil servants in the Civil Service of the State.

(b) The appropriate authority (within the meaning of the Civil Service Commissioners Act, 1956, and the Civil Service Regulation Acts, 1956 and 1958) in relation to officers and servants of the Authority shall, for the purpose of
45 these Acts, be the Minister.

(c) The Minister may delegate to the Authority the power exercisable by him or her under section 5 of the Civil Service Commissioners Act, 1956, and the Civil Service

Regulation Acts, 1956 and 1958, as the appropriate authority in relation to officers and servants of the Authority and, if he or she does so, then, so long as the delegation remains in force—

(i) those powers shall, in lieu of being exercisable by the Minister, be exercisable by the Authority, and 5

(ii) The Authority shall, in lieu of the Minister, be for the purposes of the said section 5 and the said Acts, the appropriate authority in relation to officers and servants of the Authority. 10

(d) The Minister may revoke a delegation made by him or her under this paragraph but such revocation shall not affect anything done by virtue of the delegation under the said section 5 or the said Acts and anything so done shall continue in force and shall, for the purposes of the said section 5 and the said Acts, have effect as if done by the Minister. 15

5. (1) The Authority shall hold such and so many meetings as it considers appropriate for the due fulfilment of its functions.

(2) The quorum for a meeting of the Authority shall be three or such other number (being not less than three) as may be determined from time to time by the Authority. 20

(3) The Authority may perform any of its functions by a duly appointed sub-committee provided however that any meeting of such a sub-committee shall require the same quorum as a meeting of the full Authority. 25

(4) At a meeting of the Authority—

(a) the chairperson of the Authority shall, if present, be chairperson of the meeting,

(b) if and so long as the chairperson of the Authority is not present or if the office of the chairperson is vacant, the members of the Authority who are present shall choose one of their number to be chairperson of the meeting. 30

(5) Every question at a meeting of the Authority shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote. 35

(6) The Authority may act notwithstanding one or more than one vacancy among its members.

(7) Subject to the provisions of this Act, the Authority shall determine, by standing orders or otherwise the procedure and business of the Authority. 40

6. (1) There may be paid to the Authority in each year of the Board, out of moneys provided by the Oireachtas, a grant or grants of such amount or amounts as the Minister, with the approval of the Minister for Finance, may determine. 45

(2) The Authority shall in relation to each financial year of the Authority, prepare and send to the Minister (on a date not later than

a date specified by the Minister) an estimate in such form as the Minister may specify of its expenditure for that year.

5 7. (1) The Authority shall keep, in such form as may be approved of by the Minister all proper and usual accounts of all moneys received or expended by it and all such special accounts (if any) as the Minister may direct.

10 (2) Accounts kept in pursuance of this paragraph shall be submitted annually (on a date not later than a date specified by the Minister) by the Authority to the Comptroller and Auditor General for audit and, as soon as may be after the audit, a copy of such of those accounts, or of such extracts from such accounts, as the Minister may specify and a copy of the report of the Comptroller and Auditor General on the accounts shall be presented by the Authority to the Minister who shall cause copies of the documents presented
15 to him or her to be laid before each House of the Oireachtas.

8. (1) The Authority shall as soon as may be after establishment day, provide itself with a seal.

20 (2) The seal of the Authority shall be authenticated by the Chairperson of the Authority or some other member of the Authority authorised by the Board to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Authority and every document purporting to be authenticated in accordance with *subparagraph (2)* of this paragraph) of the Authority shall be received in evidence and be deemed to be such instrument without
25 proof unless the contrary is shown.

9. (1) A member of the Authority who is either directly or indirectly interested in any contract which the Authority proposes to make—

30 (a) shall disclose to the Authority the fact and the nature of such interest at the meeting of the Authority at which the question of entering into such contract is first considered or if he or she has no such interest at that time as soon as may be after he or she has acquired such interest,

35 (b) shall take no part in any deliberations of the Authority relating to such a contract save to such extent as the chairperson of the Authority may permit,

(c) shall not vote on a decision relating to such a contract, and

(d) shall not be counted in the quorum present at any meeting while such a contract is being considered.

40 (2) A disclosure under this paragraph shall be recorded in the minutes of the meetings of the Authority.

(3) Where the Minister is satisfied that a member of the Authority has failed to comply with a requirement under *subparagraph (1)* of this paragraph, the Government may, on the recommendation of the
45 Minister remove that member from office and if a person is removed from office pursuant to this subparagraph, he or she shall thenceforth be disqualified for membership of the Authority.

10. Any contract or instrument which, if entered into or executed by a person not being a body corporate would not require to be under seal may be entered into or executed on behalf of the Authority by any person generally or specially by the Authority in that behalf. 5
11. The Authority shall use its best endeavours to meet frequently such persons as it considers to be representative of the private security industry with a view to keeping informed as to any matters requiring the attention of the Authority.

SECOND SCHEDULE 10

The Irish Security Authority Appeal Board

1. (1) The Appeal Board shall consist of a chairperson and two ordinary members.
- (2) The members of the Appeal Board shall be appointed from time to time as occasion requires by the Government and subject to the provisions of this Schedule, shall hold office upon such terms and conditions as the Government may determine. 15
- (3) The term of office of a member of the Appeal Board shall be five years and subject to the provisions of this Schedule, a member of the Appeal Board shall be eligible for re-appointment as such member. 20
- (4) (a) The chairman of the Appeal Board shall be either a practising barrister or a practising solicitor, of not less than ten years' standing.
- (b) if the chairperson of the Appeal Board ceases during his or her term of office as such chairperson to be a practising barrister or a practising solicitor he or she shall thereupon cease to be such chairperson. 25
- (5) A member of the Appeal Board may at any time resign his or her office as such member by letter addressed to the Secretary to the Government and the resignation shall take effect on and from the date of receipt of the letter. 30
- (6) Where the chairperson of the Appeal Board ceases during his or her term of office as such chairperson to be a member of the Appeal Board he or her shall also cease to be chairperson of the Appeal Board. 35
- (7) The chairperson of the Appeal Board shall unless he or she sooner dies resigns or otherwise ceases to be chairperson hold office as such chairperson until the expiration of his or her term of office as a member of the Appeal Board. 40
- (8) Where a casual vacancy occurs among the members of the Appeal Board the Government shall as soon as may be take such steps as are necessary to fill the vacancy and the person appointed to fill the vacancy shall hold office for the remainder of the term of office for which his or her predecessor was appointed. 45
- (9) Members of the Appeal Board (other than a member who is the holder of a judicial office) shall be paid such remuneration (if

any), and members of the Appeal Board shall be paid such allowances for expenses, as the Minister, with consent of the Minister for Finance may from time to time determine.

5 (10) The Government may remove from office any member of the Appeal Board who, in the opinion of the Government, has become incapable through ill-health of effectively performing his or her functions or has committed stated misbehaviour.

10 2. (1) The Appeal Board shall hold sittings and at the sittings may receive submissions by or on behalf of the persons concerned (including the Chief Inspector) and such evidence (if any) as it thinks fit.

(2) Sittings of the Appeal Board shall be held in private.

15 3. (1) A person proposing to appeal from a decision of the Chief Inspector shall within twenty one days of the date upon which the decision was announced notify in writing the Appeal Board of his or her intention to appeal against the decision and shall specify in the notification the decision to which the appeal relates.

20 (2) An appeal to the Appeal Board shall be grounded on the decision of the Chief Inspector whose decision the appeal relates on such evidence (if any) other than evidence to which the decision aforesaid relates as the Appeal Board thinks fit and on any observations of the said tribunal which relate to any matter on the decision aforesaid and which the Appeal Board request the Chief Inspector to furnish.

25 (3) A person may at any time before the commencement of the learning of an appeal brought by him or her withdraw the appeal in whole or in part by notifying the Appeal Board in writing of his or her intention to do so and shall specify in the notification the decision or decisions to which the withdrawal relates.

30 (4) On receipt by it of a notification under *subparagraph (1)* or (3) of this paragraph the Appeal Board shall as soon as may be inform the Chief Inspector and the Authority of the notification and of the decision or decisions to which it relates.

35 4. A witness whose evidence has been or is being or is to be given before the Appeal Board shall be entitled to the same privileges and immunities as a witness in a court.

5. A decision of the Appeal Board shall be that of a majority of its members.

6. The chairperson of the Appeal Board may—

40 (a) direct in writing the appellant concerned to attend before the Appeal Board on a date at a time and place specified in the direction,

45 (b) direct in writing any other person whose evidence is required by the Appeal Board to attend before the Appeal Board on a date and at a time and place specified in the direction or thing in his or her possession or power specified in the direction,

50 (c) direct that other person to produce to the Appeal Board any specified document or thing in his or her possession or power,

- (d) give any other directions for the purpose of the proceedings that appear to him or her to be reasonable and just.

7. The reasonable expenses of witnesses directed under *paragraph* 6 of this Schedule to attend before the Appeal Board shall be paid out of moneys provided by the Oireachtas. 5

8. The procedure of the Appeal Board shall subject to the provisions of this Act be such as shall be determined by the Appeal Board by rules made by it with the consent of the Minister and the rules shall without prejudice to the generality of the foregoing make provision for— 10

- (a) notifying the appellant and the Chief Inspector of the date time and place of the relevant sitting of the Appeal Board,
- (b) enabling the appellant concerned to be present at the relevant sitting of the Appeal Board and enabling the appellant to present his or her case to the Appeal Board in person or through a legal representative, 15
- (c) giving to the Appeal Board if it should so request within the period specified in the request a summary in writing of the submissions proposed to be made to the Appeal Board by or on behalf of the Chief Inspector and the appellant concerned, 20
- (d) the examination (on oath or otherwise as the Appeal Board may determine) of witnesses before the Appeal Board by the Appeal Board, 25
- (e) the examination and cross-examination (on oath or otherwise as the Appeal Board may determine) of witnesses before the Appeal Board by or on behalf of the Chief Executive and the member concerned,
- (f) the determination by the Appeal Board as to whether evidence before the Appeal Board should be given on oath, 30
- (g) the administration by the chairperson of the Appeal Board of the oath to witnesses before the Appeal Board,
- (h) The announcement at a sitting of the Appeal Board of the decision or decisions of the Appeal Board in relation to an appeal, and 35
- (i) the making of a sufficient record of the proceedings of the Appeal Board.